

07-PE13-09/01
May 3, 2012
This instrument prepared by
LYNN W. BLAIS
Under the direction of
FREDRICK W. LOOSE, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720

PARCEL NO. 806.1R
SECTION 11010
F.P. NO. 238394 3
STATE ROAD 500 (US 441)
COUNTY: LAKE

PERPETUAL EASEMENT

THIS EASEMENT made this ____ day of _____, _____, by the CITY OF LEESBURG, a municipality of the State of Florida, grantor(s), to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual easement for the purpose of clearing, excavating, constructing, operating, and maintaining exclusively, a maintenance road and storm drains, with all such fills, cuts, drains, ditches and other incidents which the grantee may deem necessary or convenient in connection therewith, in, over, under, upon and through the following described land in Lake County, Florida, viz:

PARCEL NO. 806

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That part of:

"All that portion of Grantor's former main track right of way varying in width from 20 feet to 50 feet, extending northeasterly from the north right of way line of U.S. Highway No. 441 a distance of approximately 3903 feet to the east boundary line of Section 24, Township 19 South, Range 24 East."

Being those certain lands as described in Official Records Book 478, Page 850 of the Public Records of Lake County, Florida

Being described as follows:

Commence at a 6"x 6" concrete monument with no identification marking the Northwest corner of Section 25, Township 19 South, Range 24 East, Lake County, Florida; thence South 89°03'53" East along the North line of said Section 25, a distance of 1630.61 feet to a point on the existing Northeasterly right of way line of State Road 500 (U.S. Highway No. 441) as shown on the Florida Department of Transportation right of way map, Section 11010, Financial Project No. 238394 3; thence departing said North line, run South 83°40'57" East along said right of way line, a distance of 284.86 feet to a point on the Northwesterly right of way line of Bentley Road as recorded in Official Records Book 1230, Page 1943 of the Public Records of Lake County, Florida; thence departing said Northeasterly right of way line, run North 67°08'06" East along said Northwesterly right of way line, a distance of 47.17 feet to the POINT OF BEGINNING; thence continue North 67°08'06" East along said Northwesterly right of way line, a distance of 187.44 feet; thence South 01°24'41" West along said Northwesterly right of way line, a distance of 10.97 feet to a point on

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the Northwesterly right of way line of Bentley Road per the survey by Moorehead Engineering Company, Dated December 17, 1995; thence run North 67°08'06" East, a distance of 14.23 feet; thence North 00°51'06" East along said right of way line, a distance of 10.92 feet; thence North 67°08'06" East along said right of way line, a distance of 42.74 feet; thence departing said Northwesterly right of way line, run South 22°51'54" East, a distance of 50.00 feet to a point on the Southeasterly right of way line of Bentley Road per aforesaid survey; thence South 67°08'06" West along said right of way line, a distance of 64.71 feet; thence North 00°51'06" East along said right of way line, a distance of 10.92 feet; thence South 67°08'06" West, a distance of 112.37 feet; thence departing said Southeasterly right of way line, run North 83°40'57" West, a distance of 82.03 feet to the POINT OF BEGINNING.

Containing 8823 square feet, more or less.

This legal description prepared under the direction of:
William D. Donley, P.S.M.
Florida Registration No. 5381
Bowyer-Singleton & Associates, Inc.
110 West Indiana Ave., Suite 102
DeLand, Florida 32720

PROVIDED that the City has the following rights:

1. The City shall have the right to operate, maintain, improve, add to, upgrade and remove existing utility facilities on, within, and upon the lands described herein in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. Any improvement, addition or upgrade will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any improvement, addition, or upgrade by the City or require the City to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The City shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities.
4. The City agrees to repair any damage caused by the City to F.D.O.T. facilities and to indemnify to the extent permitted under Florida law the F.D.O.T. against any loss or damage resulting from the City exercising its rights outlined in Paragraphs 1 and 3 above.

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TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

Signed, sealed and delivered in
the presence of: Two witnesses
required by Florida Law

THE CITY OF LEESBURG

By: _____

Its Mayor

SIGNATURE LINE
PRINT/TYPE NAME: _____

ATTEST: _____

Its City Clerk

SIGNATURE LINE
PRINT/TYPE NAME: _____

ADDRESS OF GRANTOR:

STATE OF FLORIDA

COUNTY OF LAKE

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by _____, Mayor, who is personally known to me or who has produced _____ as identification.

PRINT/TYPE NAME: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____